

# EXHIBIT 4



"I will stand for my client's rights.  
I am a trial lawyer."  
—Ron Motley (1944–2013)

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February 21, 2020

**VIA ELECTRONIC MAIL**

Via email to ~~x~~ALLDEFENDANTS-MDL2804-Service@arnoldporter.com  
All Defense Counsel

Via email to [sboranian@reedsmith.com](mailto:sboranian@reedsmith.com)  
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RE: *Cabell County Commission and City of Huntington v. AmerisourceBergen Drug Corp., et al.*,  
Case No. 3:17-cv-01362 (S.D.W.V.)  
CT2 Plaintiff Huntington's Response to Steven Boranian's 2/17/2020 Custodian Email

Dear Steven,

This letter is a follow up to our discussions regarding designated Huntington custodians. As stated in our January 17, 2020 letter, an appropriate custodian is an individual whom based on a good faith investigation is most likely to have non-cumulative discoverable information.

Following our meet and confer call on January 29, 2020 and as noted in your chart on February 4, 2020, Distributors agreed to defer collection on:

- Jean Dean
- Jack Thornburg
- Glenn White
- James Bumgardner
- John Queen
- Scott Damron
- David Harrington

The City of Huntington maintains that the request for Russell Houck's custodial file, who served as Huntington Human Resources Director from 1995-2001, is not temporally reasonably proportionate to the needs of this case. The City has formerly agreed to produce the custodial file for Sherry Lewis.



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**CITY COUNCIL:**

The City of Huntington has already produced city council minutes and synopses of the minutes on January 17, 2020. The City also intends to produce city council agendas which are being processed, after which will be produced. In addition, the City has collected the entirety of the general file for city council members which includes materials from city council meetings spanning from 2006, forward. These are all in hard copy, therefore are being scanned and processed. Once processed, the City intends to produce. Barbara Miller, as keeper of these files is the deemed custodian for said files and the City has agreed to produce her file, inclusive of these documents. Therefore, it is duplicative and cumulative to also request custodial files from the following city council members individually:

- Mark A. Bates
- Joyce Clark
- Rebecca Howe
- Charles McComas
- Tom McGuffin
- Tonia Kay Page
- Carol Polan
- Mike Shockley
- Alex Vence
- Jennifer Wheeler
- Ted V. Kluemper Jr.

**FINANCE:**

You have requested the custodial files of 3 Budget Directors

- Scott Arthur – City of Huntington Budget Director (2017- current)
- Rick Montgomery – City of Huntington Budget Director (Former) (2017-2017)
- Darla Bentley – City of Huntington Budget Director (Former) (2003-2016)

Rick Montgomery worked as Budget Director for less than a year in 2017. Whatever limited documents he may have had would be subsumed by Scott Arthur in his current position as Budget Director. The request for Rick Montgomery's custodial file is duplicative and cumulative.

In addition to the budget directors, you have requested the custodial files for former City Managers including Margaret Mary Layne (City Manager/Director of Administration of Finance, 2014-2016), Brandi Jacobs Jones (City Manager/Director of Administration of Finance, 2007-2014) and Cathy Burns. The City has produced in part and intends to produce all remaining documents to complete the custodial file for Cathy Burns.



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Additionally, you have requested the custodial files for former and current finance directors:

- Pam Chandler (2015-2017)
- Deron Runyon (2009-2015)
- Robert Wilhelm (2001-2008)
- Kathy Moore (current)

Given the number of financial custodians in the same, similar or collaborative positions you have requested and the relevant time span, Robert Wilhelm, the former finance director from 2001-2008 is not an appropriate custodian and his files would only serve to be unnecessarily cumulative.

**POLICE:**

Stephanie Coffey is a police corporal whose tasks are largely in part administrative. Information with regard to her work with the QRT is not kept in a personal file with the City. All information kept with regard to the QRT is at the county. Outside of the 14 police officers named as requested custodians, Ms. Coffey does not possess non- cumulative discoverable information to warrant her a proper custodian

You have requested the custodial files for at least 15 different individuals in the police department. To the extent documents and records that are relevant and responsive to this litigation can be obtained from the Huntington Police Department, The City of Huntington has and intends to continue producing those regardless of custodian. Plaintiffs have agreed to provide the custodial files for Captain Dan Underwood, Administrative Bureau, and Sgt. Paul Hunter, Head of City Law Enforcement Narcotics Unit. Additionally, the City agrees to produce files for detectives Craig Preece and Ernie Blackburn as well as Sergeant Paul Minigh and former Sergeant Rocky Johnson. The City will also produce the custodial file for former employee Krishawna Harless to the extent it can be obtained. The requests for the custodial files of Shane Bills (Detective) and John Ellis (Captain) are therefore duplicative and cumulative.

You have also requested the custodial files for the following former police chiefs

- Skip Holbrook (2007 – 2014)
- Gene Baumgardner (2002-2007)
- Jim Johnson
- Hank Dial
- Ray Cornwell (current interim police chief)
- Joe Ciccarelli –City of Huntington Police Chief (Former) (2014-2018)



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Any files from the former police chiefs rolled over to the next chief in office. To this end, the City intends to provide documents that are responsive under the custodial file of Hank Dial. These documents would include the files of Skip Holbrook, Gene Baumgardner (to the extent any of this information is obtainable due to temporal scope), and Jim Johnson. Therefore, the requested custodial files from each former chief is both unnecessarily cumulative and duplicative.

#### **FIRE:**

The City of Huntington has agreed to produce and has thus far partially produced the custodial file of Jan Rader, the current fire Chief. In addition to Chief Rader, distributors have also requested custodial files from 3 fire chiefs preceding her and two additional deputy chiefs. With regard to the custodial files for: Carl Eastham, City of Huntington Former Fire Chief (2013-2016); Creig Moore, City of Huntington Former Fire Chief (2009-2011); and Greg Fuller, City of Huntington Former Fire Chief (1999-2009). Given the number of individuals requested in the fire department and the relevant time span, Greg Fuller, former fire chief starting in 1999, is not an appropriate custodian as his files would prove to be cumulative.

The city agrees to produce the custodial file of Ray Canafax, who is deputy chief of the Huntington Fire department. The request to produce the custodial file for Justin Antle, who also serves deputy chief, would be duplicative and cumulative.

#### **MAYOR'S OFFICE:**

You have requested the custodial file of Mayor Steve Williams. Plaintiffs have produced his file in part and intend to produce any and all responsive documents from Mayor Williams file. The City of Huntington has also agreed to produce – and has in part produced – Bryan Chamber's (Communications Director) custodian file. Therefore, the requested custodial file of Angie Bracey (Assistant to the Mayor) is duplicative, cumulative, and duplicative.

You have also requested the custodian files of two former Mayors:

- David Felinton – City of Huntington Mayor (Former) (2001-2008)
- Roger Kim Wolfe – City of Huntington Mayor (Former) (2009-2012)

The request for the files of former Mayor's dating back to 2001 is cumulative and not reasonably proportionate to the discovery needs in this case. Given the number of individuals requested in the executive office and the relevant time span, David Felinton, the former Mayor from 2001-2008, is not an appropriate custodian.



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IT:

As stated in Plaintiff's January 17, 2020 letter, the requested custodial files for Brandon White, the former IT Director for the City, and Kohson Perkins, the current City of Huntington IT Director, are not reasonably proportionate to the discovery needs in this case.

With kind regards I remain,

Anne McGinness Kearse

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